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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,581	12/06/2000	David M. Maymudes	MS1-637US	9810
22801	7590	03/24/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			HUYNH, BA	
			ART UNIT	PAPER NUMBER
			2179	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/731,581

Applicant(s)

MAYMUDES ET AL.

Examiner

Ba Huynh

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 and 27-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 and 27-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-25, 27-51 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent #5,668,639 (Martin), or alternatively as being obvious in view of US patent 5,754,180 (Kivolowitz et al).

- As for claims 1, 11, 12, 21-23, 27-30, 39, 47, 48, 49: Martin teaches a computer implement system and corresponding method for rendering video, comprising the means/steps of:

a video application configured to enable a user to combine multiple different video clips (Summary of the Invention),

bitmap processors (inherently included in the teaching of Special effects processing 5:13-19, 7:1-43) operatively coupled with the video application and configured to receive a first bitmap having a structure (Effect clip, 3:43-45, 4:35-54. The effect clip is a bitmap that has scale and pixel values) that can be used to render a transition between video clips (4:11-14, 30-53) and automatically processed to provide a different structure that provide different transition (6:55-62). The transition icon does not comprise video clip content. In a transition effect, the transitions are configured to enable one video clip to completely

replace another video clip (wipe effect). Note: It is inherently included in Marin's teaching of spatial transformation, chroma key processing, image distortion and movement that the Effect clip having a structure. Even if it is not implementation of bitmap having structure is disclosed by Kivolowitz et al in the same field of video editing (1:55-56, 2:1-39, Summary of Invention). It would have been obvious to one of skill in the art, at the time the invention was made, to combine Kivolowitz's teaching of the special effect bitmap having structure to Martin. Motivation of the combining is for the advantages of easy image manipulation as expressly suggested by Kivolowitz et al (2:12-39).

- As for claims 2, 3, 13, 24, 31, 50: The Effect bitmap is processed to provide a second Effect bitmap that is that is different from the first bitmap, to render a different transition (Martin's 6:55-67; Kivolowitz's 2:62-3:3).
- As for claims 4, 14-16, 33-35, 41-43: The Effect bitmap can be stretched or shrunk (5:16, distorted; 6:40-42).
- As for claims 5, 17, 36, 44: The Effect bitmap can be replicated (4:33-34, 6:59-62).
- As for claims 6, 18, 37, 45: Offsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17).
- As for claims 7, 19, 38: The system inherently includes means configured to provide a border ("edge") in a transition defined by the spatial transformation and distortion (See also Kivolowitz's Summary of Invention).
- As for claims 8, 20, 25, 46, 51: The Effect bitmap can be stretched or shrunk (5:16, distorted; 6:40-42). The Effect bitmap can be replicated (4:33-34, 6:59-62).

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Offsetting is inherently included in the teaching of spatial transformation (4:41-43), distortion and movement (5:16-17). The system inherently includes means configured to provide a border ("edge") in a transition defined by the spatial transformation and distortion (See also Kivolowitz's abstract).

- As for claims 9, 10, 40, 49: The system is configured to receive parameter(s) provided by the user to process the bitmap. The parameter(s) can be used to change the structure of the bitmap (4:41-58, 6:55-62. See also Kivolowitz's Summary of Invention).
- As for claim 32: In spatial transformation and image distortion, the second bitmap is scaled to contain a smaller number of grey scale value (see also Kivolowitz's 2:12-14).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ba Huynh
Primary Examiner

3/8/6

BA HUYNH
PRIMARY EXAMINER